

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Debra Franchi

v.

Civil No. 08-cv-00395-JL

New Hampton School

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on
November 2, 2009.

The Discovery Plan (document no. 23) is approved as
submitted, with the following changes:

- Trial date: **December, 2010**
- Summary judgment: **August 2, 2010**
- Close of discovery: **June 15, 2010**
- Challenges to expert testimony: **July 26, 2010**

Based on the discussions between the court and counsel at
the conference, as well as the ruling on the motion to dismiss,
the following are **stricken** without prejudice to being reinstated
on request if warranted by the evidence:

- the plaintiff's claims for sexual discrimination (Count 3), fair housing discrimination under states law (Count 5), public accommodation discrimination under state law (Count 6), breach of fiduciary duty (Count 8), intentional infliction of emotional distress (Count 12), and consumer protection (Count 14). Counts 9, 10, 11, and 13, sounding in negligence, may be consolidated or narrowed for trial.

- the following affirmative defenses: laches and unclean hands (8th affirmative defense).

The Americans with Disabilities Act will be applied as amended (effective January 1, 2009) unless the court issues an order to the contrary, either sua sponte or based on a motion by a party.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then

contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: November 2, 2009

cc: Donna-Marie Cote, Esq.
Peter E. Hutchins, Esq.
Andrew W. Serell, Esq.